

**Testimony submitted by Sarah Ball Johnson, Executive Director of the Kentucky Board of Elections before the U.S. Election Assistance Commission in Washington D.C. on June 17, 2009.**

I appreciate the opportunity to appear before the Election Assistance Commission (EAC) today to discuss two issues: 1) Kentucky perspective in completing previous Election Day Data Surveys and 2) the impact of making changes to the survey for 2010 and the impact those changes will have on our ability to respond to the survey.

I have many years of experience in gathering our data and completing federal surveys starting with the first Impact of the National Voter Registration Act of 1993 series followed by the Election Day Data Survey, which is currently named the Election Day Survey. The data collection is primarily built into our statewide voter registration database program; however, there are paper forms for data collection on newer items to the survey. The data is compiled on the state level and I complete the survey for all 120 of our counties. We also use the data to evaluate our state election process.

Overall my experience in completing the Election Day Survey is one of frustration. I am frustrated because I do not know the exact EAC data reporting system in enough time to capture the data as the election process occurs. One example of not knowing the questions or EAC data entry requirement, from 1996-2004 surveys on the Impact of the National Voter Registration Act of 1993 and the Election Day Survey required only state totals for data on voter registration numbers and sources. Therefore, our statewide voter registration database was programmed to capture monthly counts on a statewide basis. However, the final version of the 2006 Election Day Survey EAC web based data reporting tool required county level data for voter registration numbers and sources. Statewide numbers were and are still reported to Congress, but this was the first time county level data was required by EAC. In order to capture county level monthly data, I would need to have known in 2004 to provide ample time to reprogram the statewide voter registration database to begin capturing the data on January 1, 2005. Fortunately, I did work with the EAC and their contractor to provide a mechanism to enter our statewide data for the 2006 Election Day Survey. Because of the constant changes to the Election Day Survey, I immediately inquired if county level counts would be used for the 2008 Election Day Survey. I final confirmation in late 2007 and our database was reprogrammed to captured county level monthly counts beginning January 1, 2008. Because we only had one year of county level data, we had the same problem with the 2008 Election Day Survey. Fortunately, I did work with the EAC and their contractor to provide a mechanism to enter our statewide data for the 2006 Election Day Survey. Assuming there are no changes to this area of the survey, we will provide county level data for the 2010 Election Day Survey.

I am frustrated because I do not know the exact Election Day Survey questions in enough time to not collect data if the question is no longer on the survey. One example, the 2006 Election Day Survey required UOCAVA voters to be reported by domestic military, overseas military, and overseas citizens categories. The categorization of military UOCAVA voters into to these two types placed a tremendous burden on our local election officials and was prone to error because it is often difficult to know based solely on the address listed on the voter registration card. We developed a paper system for collecting this data and extensively trained our county clerks on

how to collect the required information. The final version of the 2008 Election Day Survey only asked for UOCAVA data based upon military and overseas citizens categories. In order to capture only the two categories, I would need to have known in 2006 to provide ample time to change the paper forms and retrain out county clerks. Our counties spent valuable time collecting data that was unnecessary.

Finally, I am frustrated because gathering the data and completing the survey takes longer and longer with each version. The first Impact of the National Voter Registration Act of 1993 survey required at most 2 hours to gather the data from our statewide voter registration database and complete the survey. For the first time, the 2008 Election Day Survey consisted of a statutory overview and an election data survey. The statutory overview added a tremendous burden to the states. The time required to complete the 2008 Election Day Survey for Kentucky was 166 hours to complete the statutory overview, gather the data from our statewide voter registration database and complete the 2008 Election Day Survey. This time does not include the hours our county clerks spent entering the data into the statewide voter registration database or completing the paper data collection forms. I surveyed state election directors regarding how much time it required to complete the 2008 Election Day Survey and statutory overview. 21 states responded with 16 hours for a small state with few counties to 380 hours for a medium state to 660 hours for a larger state. The responses to this survey were sent to EAC Chair Beech on March 24, 2009 and are Attachment 1.

State election directors and local election officials beginning with the first Election Day Survey in 2004 have repeatedly echoed these same frustrations. The National Association of State Election Directors passed a resolution at our February 7, 2009 conference. The resolution was sent to EAC Chair Beach via email on March 11, 2009 and is Attachment 2. This resolution strongly urges the EAC to use the 2008 Election Day Survey again in 2010 with no changes. The resolution further urges the EAC to conduct a thorough review of the questions to evaluate their value. The EAC Standards Board passed similar resolutions at their meetings with the most recent resolution passed at their February 2009. The Standards Board resolutions are posted on the EAC website. I strongly concur with the sentiments expressed in the above resolutions. There is no need to change the Election Day Survey until further study is done to evaluate the validity of the questions on the 2008 Election Day Survey.

In conclusion, I do appreciate the EAC and their staff's willingness to work with election officials to improve Election Day Survey process and look forward to our continued collaboration. Data collection is a necessary tool in improving the election process, however, we must focus our attention to gathering consistent reliable data from survey to survey. It is June of 2009 and election officials will need to know the exact survey questions by no later than fall of 2009 in order to prepare data collection tools and train our local election officials to collect the data.